

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 4161

AITKEN ET AL.

Examiner: ZAREK, PAUL E

APPLICATION NO: 10/550,381

FILED: SEPTEMBER 21, 2005

FOR: COMPOSITIONS COMPRISING ANTI-EPILEPTIC DRUGS FOR  
THE TREATMENT OF NEUROLOGICAL DISORDERS

**MS: Amendment**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This Reply is submitted in response to the Office Action mailed April 9, 2008. A two-month extension of time petition is included herewith.

**Remarks/Arguments** begin on page 2 of this paper.

## **REMARKS/ARGUMENTS**

Claims 1 to 7, 9, 10 and 13 are presently pending in this patent application. Applicants reserve the right to pursue subject matter that remains after the prosecution of the present application in a future continuing patent application, for example, a division.

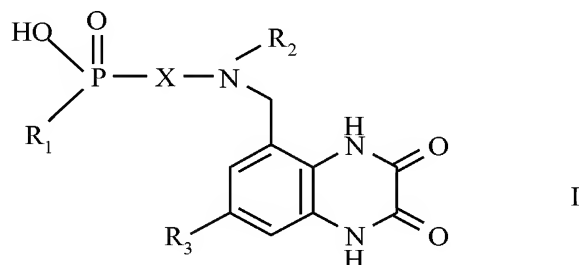
### **Discussion of the Restriction Requirement**

The Action requires applicants to select one of the following two groups of allegedly patentably distinct inventions for examination.

- I. Claims 1 to 7, 10 and 13, drawn to a composition of anti-epileptic drugs; and
- II. Claim 9, drawn to a method of treating epilepsy.

Applicants elect provisionally the claims of Group I. Because the elected Group I claims are directed to a product and the non-elected Group II claims are directed to a process of using such a product, applicants request that the claims of non-elected Group II be rejoined if the claims of elected Group I are allowed.

The Action includes also a request that applicants elect two specific anti-epileptic drugs. Applicants hereby elect carbamazepine and the AMPA antagonist of formula I



wherein  $R_1$  is hydroxy,  $R_2$  is hydrogen,  $R_3$  is nitro and X is methylene. Claims 1 to 7, 10 and 13 are generic to the elected species. Applicants acknowledge that upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependant form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

### **Conclusion**

Applicants believe that the foregoing constitutes a complete and full response to the Action of record. If there are any issues that can be resolved by a telephone conference, the Examiner is invited to call the undersigned attorney.

It is hereby requested that the term to respond to the Action of April 9, 2008 be extended pursuant to 37 C.F.R. § 1.136(a) for two (2) months, from May 9, 2008 to July 9, 2008. The Commissioner is hereby authorized to charge any fees required to Deposit Account No. **19-0134** in the name of Novartis.

Respectfully submitted,

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Date: 7 July 2008

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